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SUBJECT: UN SPECIAL RAPPORTEUR CONCERNED ABOUT VULNERABILITY OF
HUMAN RIGHTS DEFENDERS IN THE DRC

[¶1.](#) (SBU) Summary: UN Special Rapporteur for Human Rights Defenders, Margaret Sekaggya, expressed serious concern over the vulnerable state of human rights defenders in the DRC at a June 3 briefing for the diplomatic corps. In a series of findings, she found that security for human rights defenders is extremely weak as they operate in an environment of intimidation and abuse. She also found that the mistrust and suspicion between human rights defenders and government officials runs deep. There is a significant lack of understanding on the part of national and provincial officials of the proper role of human rights defenders in a democratic society. Sekaggya recommended passing a specific law to protect human rights defenders. She also recommended the creation and the full support of a National Human Rights Commission. Finally, Sekaggya recommended that the diplomatic community dramatically increase funding for human rights defenders through Congolese civil society organizations. Significant challenges remain to end the culture of impunity and convince Congolese officials that constructive criticism is an impetus for reform and not for rebellion. End summary.

[¶2.](#) (U) Margaret Sekaggya, UN Special Rapporteur for Human Rights Defenders, expressed serious concern over the vulnerability of human rights defenders in the DRC at a June 3 briefing for the diplomatic corps. Her assessment mission, conducted from May 21 to June 3, allowed her to dialogue with national and provincial ministers, UN agencies, security forces, justice officials, NGOs, and a variety of human rights defenders and journalists in Kinshasa, Kananga, and Bukavu.

Findings

[¶3.](#) (SBU) Sekaggya's most serious finding was the lack of security for human rights defenders. She noted that they are extremely vulnerable as they operate in an environment of intimidation and abuse, both physical and psychological. In South Kivu for example, Sekaggya said that many human rights defenders frequently receive anonymous death threats by text message. She added that too many Congolese human rights defenders have "paid with their lives" over the past few years.

[¶4.](#) (SBU) Sekaggya also said that the extremely weak state of the Congolese justice system and the culture of impunity impede human rights defenders in their work. When human rights defenders are threatened or abused, very few cases are ever investigated. Police, prosecutors, and judges are very poorly and infrequently paid, if at all. Justice officials operate in an environment of severe financial constraints, lacking supplies, equipment, and transport. This fosters an entrenched environment of corruption. When human rights defenders ask for an investigation, they are asked to pay bribes at each step of the judicial process.

[¶5.](#) (SBU) An additional finding from the Special Rapporteur was the

existence of deep mistrust and suspicion between human rights defenders and government officials. There appears to be a deep lack of understanding on the part of government officials of the role that human rights defenders play in society. They are an essential part of the democratization process but any criticism or call for action is perceived as seditious. Sekaggya gave an example that during a meeting with Kabila's Security Advisor, Prince Kaumba Lufunda, Kaumba spoke proudly of detaining an unnamed human rights defender that questioned the International Criminal Court's (ICC) role in the DRC. Kaumba reportedly said that the defender "had no right criticizing an institution like the ICC. Of course we nabbed him right away."

¶6. (SBU) Agents from the Congolese National Intelligence Agency (ANR) are most often the officials that arrest and detain human rights defenders. Access to prisoners in ANR detention centers is never granted, even for MONUC or Red Cross officials. This fosters an environment of secrecy where human rights abuses go unchecked. Other findings include the long delays and corruption barriers for human rights defenders and journalists to register with the local and national authorities. Also, there is a lack of capacity for human rights defenders in the DRC. Sekaggya said that Congolese civil society needs training and a significant increase in financial resources to build their capacity as human rights defenders.

Recommendations

¶7. (SBU) The Special Rapporteur recommended that national or provincial parliaments pass specific laws to protect human rights defenders. She emphasized that there must be efforts showing that

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the justice system is protecting human rights defenders.

¶8. (SBU) Sakaggya also said that the GDRC should create and fully support a National Human Rights Commission. It needs to have the independence, authority, and full access to investigate human rights abuses and also have the ability to dialogue with and educate officials in the national and provincial governments on the role of human rights defenders.

¶9. (SBU) For the diplomatic community, Sekaggya recommended that we dramatically increase our funding for civil society groups. She suggested that embassies strategize together and coordinate resources, perhaps via an independent or pooled fund, to more effectively build up the capacity of human rights defenders. She mentioned that in Uganda, donors have stopped ad hoc funding and have created a centralized mechanism by which civil society organizations can compete for funding.

¶10. (SBU) Comment: Post concurs with Sekaggya's findings. Her visit has highlighted the deteriorating human rights environment in the DRC. Contrary to recent GDRC statements that they must first achieve peace before justice, we believe progress can be made on both fronts simultaneously. We plan to continue to raise our concerns about the human rights situation in the DRC with our GDRC interlocutors. We will also work with representatives of other countries to achieve progress in the defense of human rights. End comment.

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